

**S.B. CIVIL MISC. APPEAL NO.624/1994
(RSRTC Vs. Smt.Sohan Kanwar & ors.)**

Date of Order :: 05.12.2006

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr.B.S.Bhati for the appellant
Mr.S.K.Sankhla for the respondents

This appeal has been preferred by the Rajasthan State Road Transport Corporation (RSRTC), the owner of the vehicle involved in accident, against the award dated 11.07.1994 made by the Motor Accidents Claims Tribunal, Hanumangarh Junction in Claim Case No.52/1990 questioning the finding on the responsibility towards the accident and so also quantification of compensation.

On the appeal being taken up for hearing, learned counsel Mr.S.K.Sankhla appearing for the claimants-respondents pointed out that against the same award dated 11.07.1994 claimants submitted S.B. Civil Misc. Appeal No.57/1995 and the said appeal was decided after hearing learned counsel for the present appellant-RSRTC on 04.04.2002 and this Court has enhanced the compensation payable to the claimants from Rs.2,31,000/- to Rs.2,52,000/-. The judgment so delivered in CMA No.57/1995 was subjected

to appeal by the present appellant-RSRTC in D.B. Civil Special Appeal No.165/2003 and the said intra-court appeal was also dismissed by a Division Bench of this Court on 22.01.2004.

Having regard to the aforesaid decisions dated 04.04.2002 and 22.01.2004, learned counsel Mr.B.S.Bhati appearing for the appellant could not dispute the position that this appeal by the owner of the vehicle is practically rendered redundant and the appellant is not now in a position to assail the said award dated 11.07.1994 in this appeal separately.

The appeal is, accordingly, dismissed. No Costs.

(DINESH MAHESHWARI), J.

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